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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,513	01/26/2001	Toshiharu Ueno	0905-0256P-SP	6116
2292	7590	01/25/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			AGGARWAL, YOGESH K	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2615	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/769,513	UENO, TOSHIHARU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yogesh K Aggarwal	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments, see Amendment, filed 10/06/2004, with respect to the rejection(s) of claim(s) 1-8 under USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Miyawaki et al. (US Patent # 6,522,360).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyawaki et al. (US Patent # 6,522,360).

[Claim 1]

Miyawaki et al. teaches an image sensing apparatus (figure 8) having an image sensing unit (101) for sensing the image of a subject via a focusing lens (116) and outputting a video signal representing the image of the subject formed on a photoreceptor surface (col. 9 lines 9-17, col. 10 lines 42-45), a focus control unit (131) for controlling the focusing lens (116) in such a manner that an image within a focusing zone is focused on the photoreceptor surface (col. 10 lines 23-38), and a first display device (109) for displaying the image of the subject, which is for confirming angle of view, represented by the video signal output from the image sensing unit (col. 10 lines 39-41), said apparatus comprising an enlargement unit for applying enlargement

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processing to the video signal, which has been output from the image sensing unit, in such a manner that an in-focus confirmation image, which corresponds to the focusing zone, in the image of the subject for confirming angle of view is enlarged in comparison with the image of the subject for confirming the angle of view (col. 9 lines 23-32, col. 10 lines 1-12, col. 10 line 55- col. 11 line 10), and a second display device for displaying the in-focus confirmation image enlarged by said enlargement unit (figure 10 (e) represents the second display device and displays the in-focus image enlarged by the electronic zooming after that specific area is selected for autofocusing, col. 11 lines 15-33) except a first display controller for exercising control in such a manner that the enlarged in-focus confirmation image is displayed on the image for confirming angle of view. However Miyawaki et al. teaches in another embodiment (figures 13 and 14) that the enlarged in-focus confirmation image is displayed on the image by the image combining circuit 123 which combines the zoomed image and a total image and displays on the LCD 109 (col. 13 lines 18-45). Therefore taking the combined teachings of fourth and sixth embodiment of Miyawaki, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have the enlarged in-focus confirmation image be displayed on the total image. The benefit of doing so would be so that the user is not fatigued by viewing both the total image and the zoomed image on the same display and is safeguarded against mistaken recognition, while the picture portion desired to be viewed may be designated easily and the picture may be seen as being magnified smoothly and continuously.

[Claim 2]

Figures 10a to 10e correspond to the same display device (LCD 109).

[Claim 4]

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Miyawaki teaches wherein capture of the image for confirming angle of view and capture of the enlarged in-focus confirmation image may be performed one after the other (col. 11 lines 15-33, figure 10).

[Claim 6]

Miyawaki teaches a first changing unit for changing at least one of position of the focusing zone and enlargement rate of enlargement processing performed by said enlargement unit (col. 10 lines 1-10).

[Claim 7]

The apparatus according to claim 1, further comprising a second changing unit for changing at least one of display position and size of the in-focus confirmation image (col. 10 lines 55-67 discloses that different areas may be selected corresponding to AF).

[Claim 8]

Claim 8 is a method claim corresponding to the apparatus claim 1. Therefore claim 8 has been analyzed and rejected based upon the apparatus claim 1.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyawaki et al. (US Patent # 6,522,360) in view of Suzuki (US Patent # 6,111,605).

[Claim 5]

Miyawaki et al. teaches a display controller for displaying the enlarged in-focus confirmation image on said second display device and a recording controller for exercising control to record the video signal output from the image sensing device on a recording medium but fails to teach a two-stage-stroke-type shutter-release button, a second display controller for displaying the enlarged in-focus confirmation image on said second display device in response to pressing of

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the shutter-release button through a first stage of its stroke and a recording controller for exercising control in response to pressing of the shutter-release button through a second stage of its stroke so as to record the video signal output from the image sensing device on a recording medium.

However Suzuki teaches a two-stage-stroke-type shutter-release button (figure 14A: 1406), a second display controller (figure 13: 113) for displaying the enlarged in-focus confirmation image on said second display device in response to pressing of the shutter-release button through a first stage of its stroke (col. 18 lines 50-55) and a recording controller (figure 13: 110) for exercising control in response to pressing of the shutter-release button through a second stage of its stroke so as to record the video signal output from the image sensing device on a recording medium (col. 18 lines 51-55).

Therefore it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a two-stage-stroke-type shutter-release button incorporated into the camera of Miyawaki with a second display controller for displaying the enlarged in-focus confirmation image on said second display device in response to pressing of the shutter-release button through a first stage of its stroke and a recording controller for exercising control in response to pressing of the shutter-release button through a second stage of its stroke so as to record the video signal output from the image sensing device on a recording medium. The benefit of doing so would be so that the user can verify the image before it is recorded into the recording medium.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA  
January 18, 2005

  
TUAN HO  
PRIMARY EXAMINER